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MISCELLANY.

"There are others." So says the West Pub. Co.'s Docket in exultation, and we crave permission to join them in their rejoicing. We confess to a certain degree of malicious delight in the following statement from the Docket, because of the many odious comparisons that are constantly being drawn between the delay incident to the trial of criminal cases in this country and in England, the assertion being made that all too many times justice is defeated by taking advantage of mere technicalities.

Those persons who say that "criminals do not escape punishment on technicalities in England as they do here" would be surprised if they knew whereof they speak. A scrutiny of Butterworth's or Mews' Digest of English Cases decided from 1898 to 1907 shows that the superiority of English institutions of which many American "patriots" love to boast does not extend so completely to the administration of justice as is so generally believed. Here are a few examples of English judicial "hairsplitting": The declaration of a woman who took poison with *suicidal intent*, and who just before making the declaration and dying, repeatedly said to the nurse, "I'm dying," was held inadmissible against one accused of murder on the ground that it *was not sufficiently shown to have been made in contemplation of approaching death*. In a bigamy case the former marriage was held to have been insufficiently established, though a certificate of marriage by a priest was shown, accused was identified as one of the parties mentioned therein, and when arrested he said, "I did not know my *former wife* was alive." A conviction for burglarizing H.'s house and stealing his *wife's property* was reversed because the indictment described the property as H.'s. In another case it was decided that the English statutes were not broad enough to punish one who feloniously received goods stolen by a married woman from her husband. A conviction of a misdemeanor of accused as an accessory after the fact was reversed because he was indicted as a principal. Our system of criminal procedure may need reforming, but "there are others."